

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SYMBOLOGY INNOVATIONS, LLC,

Plaintiff,

v.

VALVE CORPORATION, GEARBOX
SOFTWARE, L.L.C.,

Defendants.

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CIVIL ACTION NO. 2:23-CV-00419-JRG

ORDER

Before the Court are the Motions to Dismiss Under Federal Rule of Civil Procedure 12(b)(3) for Improper Venue (Dkt. Nos. 11, 37) filed by Valve Corporation and the Motions to Dismiss Under Rule 12(b)(6) for Failure to State a Claim (Dkt. Nos. 31, 36) filed by Gearbox Software, L.L.C. (collectively, the “Motions to Dismiss”). In the Motions to Dismiss, Defendants Valve Corporation and Gearbox Software, L.L.C. seek the dismissal of Plaintiff Symbology Innovations, LLC’s (“Plaintiff”) Complaint (Dkt. No. 1) and First Amended Complaint (Dkt. No. 35) under Federal Rules of Civil Procedure 12(b)(3) and 12(b)(6). Since the filing of the Motions to Dismiss, Plaintiff has filed a Second Amended Complaint. (Dkt. No. 40).


It is well established that a later-filed amended complaint moots a motion asking the Court to dismiss an earlier-filed complaint. *See Griffin v. Am. Zurich Ins. Co.*, 697 F. App’x 793, 797 (5th Cir. 2017) (“Once filed, that amended complaint rendered all earlier motions ... moot.”); *see also Bishop Display Tech LLC v. Samsung Elecs. Co., Ltd.*, No. 2:21-cv-00139-JRG, Dkt. No. 40 (E.D. Tex. Oct. 4, 2021) (“Once Plaintiff filed its amended complaint, the Motion became moot.”); *Ultravision Technologies, LLC v. Eaton Corp. PLC*, No. 2:19-CV-00290-JRG, 2019 WL

11250161, at *1 (E.D. Tex. Nov. 7, 2019) (“Accordingly, the filing of an amended complaint moots a motion to dismiss the original complaint.”).

Accordingly, the Court finds that the Motions to Dismiss (Dkt. Nos. 11, 31, 36, 37) should be and hereby are **DENIED-AS-MOOT**.

So Ordered this

Mar 2, 2024



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE